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EDITORIALS

A BASIC SCIENCE LAW—WOULD IT BETTER CONDITIONS IN CALIFORNIA?

Reason for Considering a Basic Science Law. If we affirm that a basic science law for California would serve our public health standards to better advantage, it would be proper for the nonsectarian medical profession of California to prepare a basic science bill that could be presented to the 1931 legislature.

If, however, we believe that a basic science law could be of no special value to the members of the lay public and of the medical profession, then the time necessary to the study and consideration of such a proposed basic science statute might well be given to other matters of nearer and greater importance to the profession.

Because the subject is one of great importance, it is again discussed in this column. Readers who wish to revive their knowledge of basic science laws are referred to articles in this column which appeared in the October 1927 number, page 525, and in subsequent issues.

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Interesting Analysis of Basic Science Laws by H. E. Kelly, Esq.—An interesting and plausible discussion of basic science statutes from the pen of H. E. Kelly, Esq., who has been legal adviser to two state medical boards, was printed in the

August 17 issue of the *Journal of the American Medical Association*. Mr. Kelly himself by no means seems convinced that these new basic science statutes would bring about an improvement in present medical licensure conditions, unless it perhaps might be in those states which are suffering from the evils of the multiple board system. California, with its medical or non-sectarian, its osteopathic, and its chiropractic boards, is a good example of a state with multiple examining boards.

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California's Multiple Examining Boards.—

Each of these California boards, according to the powers conferred upon it by the legislative authorities, lays down its own standards of preliminary and of professional education and training, and determines for itself whether or not the applicants who seek licenses from it possess the proper qualifications for licensure in its group. It is to be remembered, however, as a matter of fact, that no matter how the laws restrict the nature of practice that such written limitations are as a rule disregarded in active practice. The majority of osteopaths and chiropractors probably practice medicine and surgery far beyond the limits outlined in the laws recognizing their groups.

The major item of interest to members of the medical profession is not whether these various cultist boards should exist, for they already do exist; and all their various licentiates have been given legal rights that in a general way cannot now be taken from them by new legislation. Nor is the obligation which the nonsectarian profession here faces primarily one of betterment of the standards of the different cultist boards. For intrusion or interference by the nonsectarian profession with the workings of cultist boards would not only be not welcomed but probably would be much resented by the licentiates of cultist boards. Moreover, if such objection to interference by the nonsectarian profession were carried by the cultist boards to the people for ballot decision, the voters of California (who through initiative acts have given the osteopathic and chiropractic boards their present laws), would almost to a certainty uphold these cultist boards in opposition to their outside interference.

In the opinion of most nonsectarian physicians the recognition of cultist boards—and that comprehends the recognition of different standards of preliminary education and professional qualifications—does not make for the best protection of the public health. Of course it should be self-evident that all practitioners should be made to have the same relative amount of preliminary education and professional training, no matter what their beliefs concerning disease and injury, or what their therapeutic and other practices might be. Nevertheless, with many citizens it is not self-evident, and an attempted clarification to better educate the laity would probably resolve itself into a discussion about as profitless as one on religion, when the opposing sides have no common ground to stand upon.

Mr. Kelly's Acknowledgment and Appeal.—Mr. Kelly, in his opening paragraph, acknowledges that in many states the cultist groups have been successful in the last thirty years in establishing for themselves a very considerable legal status. In California we might add that it is a firmer legal status in one sense, than that possessed by the medical or nonsectarian board, since the laws governing the medical board can be changed by any biennial legislature, whereas with the osteopathic and chiropractic laws, which were brought into being through the initiative, no legislative authority other than the people of the state themselves can intervene.

Mr. Kelly's closing paragraph has as its sub-head, "Need for Organization in the Medical Profession." In this paragraph he summarizes some of his previous viewpoints and suggests that the profession "must organize to educate the people and inform the legislators" by giving of their funds and influence and using the same to carry on a propaganda that will make our citizens in the different states refuse to establish separate licensing boards for practitioners of cultist medicine, and so on.

Now an appeal like this of Mr. Kelly's looks well in print, but in view of what has already taken place in the legal recognition of cultist practitioners from one end of the country to the other, how can any man who is familiar with practical politics and the psychology of the people in relation thereto seriously contend that real improvement would result from an expenditure of massive funds and educational efforts on the laity, which funds are yet to be collected from physicians, and which, frankly, never could be collected.

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A Criticism of Mr. Kelly's Contentions.—From our viewpoint, if we were to criticize the article by Mr. Kelly it would be on several grounds.

One, that Mr. Kelly gives so much of his effort to pointing out the evils of multiple boards and their varying standards, conditions with which we are all familiar and which we all regret.

Two, Mr. Kelly unduly magnifies the defects in the complexion of basic science boards, the supposedly basic science subjects, and the places such certificates from basic science boards would receive from professional boards like the California Board of Medical Examiners.

Three, Mr. Kelly seems to think that basic science laws in order to be efficient should do away with cults already legalized, and even change the character, make-up and outlook on life of many cultist practitioners. Now a basic science law constitutionally cannot be made to be retroactive in its application if it would deprive a large group of practitioners of vested legal rights which permit them to earn their living by the practice of a certain profession. Again it is not fair to expect a basic science law to make a better or more learned practitioner out of every cultist licentiate any more than it would be fair to expect a law for nonsectarian licentiates to

make a good or more learned man out of every licentiate of the nonsectarian group.

Four, Mr. Kelly seems to think that the real solution of the problem of preventing incompetent persons from receiving licenses as practitioners of the healing art is a responsibility which lies with the nonsectarian practitioners. We are to give money and effort in such ample profusion that a propaganda of such magnitude will be carried on that the lay public everywhere will rise up and give their blessing to the practitioners of nonsectarian medicine; and at the same time refuse to go to cultist practitioners for treatment of any kind. All of which sounds well when it is dressed up in language intended to appeal to emotional or altruistic endeavor, but which from the practical standpoint is analogous to some of the quests which made Don Quixote such a celebrated character.

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What Mr. Kelly Seems to Have Forgotten.—From our viewpoint Mr. Kelly seems to have failed to recognize that under our present form of national and state governments, in regard to the licensure of practitioners of the healing art, that what has been, is; and that some things which are, will in all probability continue to be.

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How Could a Basic Science Law Be of Value to California?—As we see the situation, the major improvement factor which makes a basic science law worthy of consideration by California, as a means of betterment of standards of licensure, does not concern osteopaths, chiropractors or naturopaths who are already legally licensed in California, and who will continue to have legal sanction to practice, no matter what we do or do not do, but with those new cults still in the borning, or today even unthought of, and which cults in good time will come into our midst and demand legal recognition as did their cultist brethren before them.

* * *

The Lesson From a Recent California Cultist Convention.—It may be taken for granted, if conditions of the future obtain as in the past, that such new cults would receive legal sanction. Why not? Who would prevent such recognition? Have our best efforts in the past prevented such legal recognition?

If past performance is a fair standard for judging, each such new cult would in its beginning exploit and make its wares especially attractive to lay persons of minimum education and of small financial resources, but with intense ambitions to take themselves out of the white collar class of vocations. With the passing of time other new "colleges" of each such cult would come into existence to give competition to the originators of the movement, and the "doctors" who had previously graduated would then begin to talk about high and higher standards for their group; until indeed the number of scholastic

working hours—in their catalogues—would appear as great or greater than in the curricula of nonsectarian institutions.

Witness, in this connection, the following excerpt from an item in the Los Angeles *Times* of August 14 last, which item no doubt led many lay readers to think that the cultist group referred to was most alert in working for higher standards. The excerpt reads as follows:*

Dr. Samuel J. Howell of Sacramento last night was elected president of the National Progressive Chiropractors' Association at its convention in the Los Angeles College of Chiropractic. This will be the fourth term as president for Doctor Howell, who is secretary of the California State Board of Chiropractic Examiners. . . . Proposed amendments of the California chiropractic laws was the leading topic at the convention yesterday. The amendments will raise the standard of education required of students and will advance professional requirements in chiropractic schools and colleges by increasing the minimum hours to 3600 upon the passage of the measure, and a further increase to 4000 hours, effective January 1, 1932. Minimum present requirements are 2400 hours. The bill will also introduce electrical and physical therapeutics and additional hours of obstetrics and chemistry as requirements. . . .

In the above excerpt we find an excellent example to which Mr. Kelly can apply his theories. Here we have a state examining board for a cultist group, which has legal sanction through initiative vote of the people of California, the supreme legislative authority of the state. The members of this group in the lay press give notice of their intention to raise their educational requirements. Now what would Mr. Kelly do under these conditions or, being more specific, what would he have the nonsectarian medical profession of California and of other states, do in these premises? If an attempt were made to prevent this cultist group from raising its standards, the nonsectarian profession would bring down upon itself a storm of disapproval from lay citizens, and rightly so. If an attempt were made to divest these practitioners from the right to practice because of lesser standards of education and training, that effort would also fail, and coming at this late day, deservedly so.

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The Real Licensure Problem Is Not With Groups Already Legally Existent.—Let us repeat what has been previously indicated, namely, that in California these cultist groups are legally existing, that the graduates who are now licentiates are constantly striving to raise their standards of preliminary education and training of their groups in much the same manner as in nonsectarian medicine, a half century ago, our own leaders sought to improve our medical school standards. We deal here with an evolutionary process which in a profession like that of the healing art must ever give expression to itself, if the disciples and their beliefs are to be kept from retrogression.

The cultist groups already established are not the crux of the problem. It is the unborn cultist

groups which must be prevented from receiving legal sanction; and for the good and sufficient reason that in this day and generation it is not only an absurdity, but practically a crime to permit persons of deficient preliminary education and of inadequate professional training to receive legal sanction to hold themselves before the public as competent to treat diseases and injuries of human beings.

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A Basic Science Law Would Safeguard the Future of Licensure in California.—For these new cults a basic science law would introduce an element that has not existed in the past. And the strongest element in a basic science law has not to do with the complexion of the basic science examining board, or the nature of the supposedly basic science subjects, but with that provision that demands that each applicant shall present evidence of possessing at least a real four-year high school education.

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Why a Basic High School Education Is of Such Great Importance.—Now why is this four-year high school education so important? The answer is that the first disciples of the first colleges of a new cultist group (which first colleges or institutions are nearly always under the commercialistic influence of their owners and propagandists) are almost always persons of less than a four-year high school education; in fact many may have little more than a reading, writing and arithmetic standard, but with an important additional factor, namely, an intense desire and ambition to be a somebody, as a "doctor," for example.

If these first student disciples did not go to such a new cultist school, and high school graduates are too intelligent and self-respecting to flock in great numbers in the beginning to such a new cult, then the promoters would find their efforts financially unremunerative, and such a cultist group would probably not get a real foothold in the state. On the contrary, let such a new cultist group turn out in short time tens and hundreds of graduates (whether they practice in the beginning with or without legal sanction does not matter), and it will be found that there will be a sufficient number of lay persons who will seek their treatment services. Once that is accomplished, with testimonials from such patients, the group finds little difficulty in fastening itself upon the communities of a commonwealth. In due time the cult is almost sure to receive a certain amount of legal sanction. And once any kind of legal sanction for ever so limited a group of diseases or methods of treatment is given, it is almost impossible to get an American jury that will adequately penalize those graduates who use methods outside their own cult, even though such practice be in contravention of the law.

This picture just presented is the set-up that may be said to have surrounded the advent of the cultist groups which now have legal recognition in California, and some other states. This is what we should have learned from experience. Experience is a teacher worthy of respect.

* The California Board of Medical Examiners column in this and preceding issues contains some interesting items on certain chiropractic colleges which, by comparison with the excerpt here printed, provoke other lines of thought.

A Basic Science Law in California Should Meet With Little Opposition.—If a basic science law were proposed in California it would seem to be a fair assumption that the sectarian schools, which are already legally recognized in California and all of which profess high school (or higher) standards of preliminary education, would have no objection to demanding this same standard for new cultist groups which might later on desire to enter the state.

In relation to nonsectarian medicine the basic science law could be so worded that any professional board could decide for itself to what extent it wished to recognize the basic science certificates. Further, in case a basic science board did not maintain the proper minimum standards, the members of our own California Board of Medical Examiners could so frame their questions that all applicants would be called upon to give answers that would satisfactorily indicate both preliminary and professional education and training.

From all of which it is to be noted that the writer is as firmly convinced as ever of the desirability of a basic science law for California, and believes that all members of the California Medical Association who are interested in medical organization and the protection of medical standards would do well to give considerable study thereto.

FALL TERM OF COUNTY SOCIETIES—SOME QUERIES AND COMMENTS

What Work of the Fall Term Might Comprehend.—The vacation season of 1929 now being of the past, it may be assumed that the county medical societies, which through their union make up the California, Nevada and Utah Medical Associations, have again taken up their work in their respective localities. It may not be out of place at this time in the calendar year for the members of such county societies to take stock, as it were, of some of the matters in which every county unit in organized medicine should be interested. Among such items might be mentioned:

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Scientific Programs.—Are these of such nature to be of general interest to members? Is the arrangement of topics such as to appeal to and be of profit to the members who attend the meetings? Do the papers presented bring to the front the best work and efforts of local colleagues? Does the society receive the stimulation which comes from occasionally inviting colleagues from other cities to make addresses? The secretary of the Association will be glad to give aid in supplying such speakers through the Extension Lecture Service of the California Medical Association.

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Good Fellowship Features of Meetings.—Is the county society alert to the necessity and value of adequate social features at meetings? Was a vacation out-of-door gathering put across during the summer months? If not, will any attempt be made to arrange for one such next summer? Are

informal suppers or lunches made a part of the regular routine meetings? If not, it is possible that such a county society may be missing some of the most valuable of upbuilding organization factors. Doctors of medicine are no different than other human beings. They need occasional relaxation and diversion, and when it is provided, those who participate therein, through better understanding of one another, are able to develop a stronger county medical unit than would be otherwise possible.

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Building Fund for a Home for the County Society.—Every county society might well have a permanent quarters committee. From time to time, in almost every community, conditions exist which make the acquisition of property especially advantageous. If a building fund is in existence, no matter how small, then a permanent quarters committee consisting of members who are active and loyal to organized medicine may at times be in position to accomplish the seemingly impossible. When chapters composed of college lads can build splendid fraternity houses in our colleges and universities, it would seem that medical men of maturity might well be able to solve such problems, to the betterment of their local societies and of organized medicine at large.

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Standing Committees.—Every county society has certain officers and standing and special committees. Are all functioning as they should? How many are figureheads? If figureheads, why is such the case? Is such a deficiency due to improper selection of a chairman or other executives; or is the fault to be found either in lack of interest, or in someone's selfish pride in demanding this, that or the other position for its publicity or salve to the personal ego, with no related sense of duty to fulfill in best possible measure the duties of such office or committee position?

Why would it not be a wise plan for the officers and committeemen of each county society to get together two or more times a year, to sit as a sort of committee of the whole or as a committee on the state of the society, each officer and committee to report on work done or undone to the other officers of the society? Years ago the writer introduced such an innovation into the Los Angeles County Medical Association, and it has continued to be a useful adjunct in maintaining better contacts between the various activities of that society.

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A Local Membership Survey.—No county society can be said to measure up to its greatest possibilities if it does not have a more or less accurate check on all local practitioners of the healing art who hold the degree of doctor of medicine, coupled with information which explains why eligible nonmembers are not working shoulder to shoulder for organized medicine through membership in the county society. In this column, in the August issue, an analysis of mem-